

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:24-cr-00086-SRC
)	
DAMITRIUS CREIGHTON,)	
)	
Defendant.)	

Order

Damitrius Creighton moves to dismiss count one of the Indictment, charging him with possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1). Doc. 42. Creighton argues “the prosecution of this offense violates his Second Amendment rights.” *Id.* at 1.¹ However, Creighton acknowledges that this Court is bound by *United States v. Jackson*, 110 F.4th 1120 (8th Cir. 2024). *Id.* at 6.

The Court referred Creighton’s motion to United States Magistrate Judge Joseph S. Dueker pursuant to 28 U.S.C. § 636(b). On March 25, 2025, Judge Dueker issued a Report and Recommendation, recommending that the Court deny Creighton’s motion. Doc. 54. Judge Dueker advised Creighton that he had 14 days, or until April 8, 2025, to file objections to the Report and Recommendation, which he did not file.

The Court agrees with Judge Dueker’s conclusion that the Court is bound by Eighth Circuit precedent and that Creighton’s argument is foreclosed by *Jackson*. Accordingly, the Court sustains, adopts, and incorporates Judge Dueker’s [54] Report and Recommendation and denies Creighton’s [42] Motions to Dismiss.

So ordered this 17th day of April 2025.


STEPHEN R. CLARK
CHIEF UNITED STATES DISTRICT JUDGE

¹ The Court cites to page numbers as assigned by CM/ECF.